

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

Bail Appl..No. 119 of 2007()

CR 62/98 of Sasthamkotta Excise Range

: PETITIONER/ACCUSED

P.S.SAINUDHEEN, AGED 47 YEARS,
S/O. SAIDU, PALATHINKAL VEEDU,
PEZHAKKAPPILLI MURI, MULAVOOR VILLAGE,
MUVATTUPUZHA.

BY ADV. SRI.ESM.KABEER

RESPONDENT:

THE EXCISE INSPECTOR,
SASTHAMKOTTA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11/01/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V.Ramkumar, J.

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B.A.No. 119 of 2007

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Dated this the 11th day of January, 2007.

ORDER

Petitioner, who is the 5th accused in C.R.No.62 of 1998 of Sasthamkotta Excise Range for offences punishable under Sections 55 (a) and 8(1) of Abkari Act for allegedly transporting 250 litres of rectified spirit in a Jeep bearing registration No.KL-7/U-8226 on 12.11.1998 and who was arrested on 29.12.2006, seeks his enlargement on bail.

2. The petitioner would allege that even though he was the registered owner of the Jeep in question, he had sold the vehicle on 29.10.1998 and therefore, he was not the owner of the vehicle on 12.11.1998 when the offence was detected.

3. The learned Public Prosecutor opposed the application submitting inter alia that the petitioner, who is admittedly the registered owner of the Jeep in question, has not produced any acceptable evidence to show that the vehicle was transferred prior to the date of detection. It is too early to accept the petitioner's contention that he had nothing to do with the Jeep in

question on the date of detection.

4. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec. 41 A of the Abkari Act are present in this case so as to justify the release of the petitioners on bail.

This application is accordingly dismissed.

V.RAMKUMAR,
JUDGE.